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EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/037,700
Filing Date: January 02, 2002
Appellant(s): HANSMANN ET AL.

Joyce Tom
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 18, 2005 appealing from the Office action mailed March 1, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

(3) Status of Claims

The statement of the status of claims contained in the brief is correct. Wherein Claims 21-29 are rejected. Claim 1-20, 30-43 are canceled in the amendment filed 10/18/05.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5870759	Bauer	2-1999
6324544	Alam	11-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims: 21-29. Claims 1-20, and 30-43 are canceled.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claims 22, 24, and 26, the word "means" is preceded by the word(s) "for" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967). The specification of the instant application does not provide and specific structure or material to describe the means plus function as claimed. Correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 –11, 13-24, and 26-43 are rejected under 35 U.S.C. as being anticipated by
Bauer et al. (US Patent No. 5,870,759).

Regarding Claims 1, and 14, Bauer discloses a method and a computer readable for
minimizing code needed in a client to synchronize data records in the client with data records in
a server system, comprising the steps of:

(a) creating setup information in the client, wherein the setup information enables the
server system to identify the client and to provide appropriate commands for the client (see
columns 13, 14, lines 64-67, 1-6, respectively Bauer); and

(b) providing the setup information from the client to the server system to allow
for synchronization of the data records (see column 9, lines 36-41, Bauer).

Regarding Claims 2, and 15, Bauer discloses a method wherein the client data records
and the server system data records are stored in a respective client and server database, the
method further including the steps of:

(c) detecting a changed record in the client database (see column 9, lines 48-53, Bauer);

(d) dumping the changed record as it exists in the client database (see column 9, lines 60-
67, Bauer); and

(e) transmitting the changed record to the server system as it exists in the client
database (see column 10, lines 12-23, Bauer).

Regarding Claims 3, and 16, Bauer discloses a method further comprising the steps of:

(f) processing the changed record by the server system (see column 10, lines 37-42, Bauer);

(g) compiling a program by the server system to update the client database (see column 9, lines 5-18, Bauer);

(h) transmitting the program to the client (see column 8, lines 30-41, Bauer); and

(i) executing the program by the client, wherein the client database is synchronized with the server database (see column 12, lines 10-12, Bauer).

Regarding Claims 4, and 17, Bauer discloses a method wherein the creating step (a) further includes providing information that describes a format of the data records stored in the client database and a list of commands executable by the client (see column 12, lines 10-22, Bauer).

Regarding Claims 5, and 18, Bauer discloses a method wherein the processing step (f) further includes:

(f1) retrieving a data record in the server database corresponding to the changed record (see column 9, lines 60-62, Bauer);

(f2) interpreting the changed record received from the client using the setup information (see column 9, lines 62-67, Bauer); and

(f3) updating the retrieved data from the server database (see column 8, lines 30-35, Bauer).

Regarding Claims 6, and 19, Bauer discloses a method further comprising the step of:

j) resolving any conflicts between the changed record transmitted by the client and the retrieved data (see column 11, lines 12-18, Bauer).

Regarding Claims 7, and 8, Bauer discloses a method wherein the setup information includes a header portion, wherein the interpreting step (f2) further includes using the header portion (see column 13, lines 64-67, Bauer).

Regarding Claim 9, Bauer discloses a method wherein the executing step (i) further comprises using an interpreter in the client (see column 14, lines 13-18, Bauer).

Regarding Claims 10, and 20, Bauer discloses a method wherein the compiling step (g) includes the step of providing object code compiled by the server system (see column 14, lines 48-65, Bauer).

Regarding Claim 11, Bauer discloses a method wherein the client data records and the server system data records are stored in a respective client and server database, and wherein the creating step (a) further includes providing information that describes a format of the data records stored in the client database and a list of commands executable by the client, the method further including the steps of (see column 14, lines 36-65, Bauer):

- (c) retrieving a changed record in the server database (see column 2, lines 60-62, Bauer);
- (d) compiling a program by the server system, wherein the program is for updating the client database (see column 2, lines 49-53, Bauer);
- (e) transmitting the program to the client (see column 8, lines 30-41, Bauer); and
- (f) executing the program by the client, thereby synchronizing the client database and the server database (see column 12, lines 10-12, Bauer).

Regarding Claim 21, Bauer discloses a client computer system for synchronizing data records stored on the client computer system with data records stored on a server system, the client computer system comprising:

a database for storing the data records (see column 6, lines 6-7, Bauer); and
a processor coupled to the database for creating setup information to the server system (Col. 9, lines 36-41, Bauer), wherein the setup information enables the server system to identify the client and to provide appropriate commands for the client (see column 6, lines 7-10, Bauer).

Regarding Claim 22, Bauer discloses a client computer system wherein the system further comprises:

means for detecting a changed record in the client database, and means for transmitting the changed record to the server system (see column 9, lines 62-67, Bauer).

Regarding Claim 23, Bauer discloses a client computer system wherein the processor further for executing a program compiled and transmitted by the server system, wherein the program updates and synchronizes the data records stored in the database (see column 10, lines 37-42, Bauer).

Regarding Claim 24, Bauer discloses a client computer system further comprising means for downloading and starting the program (see column 11, lines 25-30, Bauer¹).

Regarding Claims 26, 30, and 37, Bauer discloses a server system for synchronizing data records stored on the server system with data records stored in a client computer system, the server system comprising:

means for receiving setup information from the client computer system, wherein the setup information includes information to enable the server system to identify the client computer system and to provide appropriate commands for the client computer system (see column 16, lines 38-40, Bauer);

¹ Examiner interprets the step of refreshing the client corresponds to download and start.

memory for storing the setup information coupled to the means for receiving (see Fig. 1, 10, Bauer);

a processor coupled to the memory (see Fig. 1, 20, Bauer); and

a database coupled to the processor for storing the server system data records (see column 15, lines 55-64, Bauer).

Regarding Claim 27, Bauer discloses a server system further comprising means for receiving a changed data record from the client computer system;

wherein, the setup information further describes a format of the data records stored in the client computer system, and the processor interprets the changed data record from the client computer system using the setup information, updates the database, and compiles a program comprising object code executable by the client computer system to update the client data records (see column 16, 48-56, Bauer).

Regarding Claim 28, Bauer discloses a server system further comprising means for detecting a changed data record in the database (see column 16, lines 57-59, Bauer);

wherein, the processor updates the database and compiles a program comprising object code executable by the client computer system to update the client data records (see column 16, lines 59-66, Bauer).

Regarding Claims 29, 31, and 38, Bauer discloses a server system further comprising means for transmitting the program to the client computer system (see column 17, lines 14-20, Bauer).

Regarding Claims 32, and 39, Bauer discloses a method further comprising the steps of:

(b) compiling a program by the server system to update the data records stored in the client computer system (see column 17, lines 21-24, Bauer); and

transmitting the program to the client computer system for execution (see column 12, lines 10-12, Bauer).

Regarding Claims 33, and 40, Bauer discloses a method wherein the setup information further includes information describing a format of the data records stored in the client computer system, and further comprising the steps of:

(b) retrieving a data record in the server system corresponding to a changed record transmitted from the client computer system (see column 17, lines 14-20, Bauer);

(c) interpreting the changed record using the setup information (see column 9, lines 62-67, Bauer); and

(d) updating the retrieved data record (see column 8, lines 30-35, Bauer).

Regarding Claims 34, and 41, Bauer discloses a method wherein the compiling step (b) further includes providing object code executable by the client computer system (see column 17, lines 49-54, Bauer).

Regarding Claim 35, and 42, Bauer discloses a method further comprising the step of:

(b) detecting a changed data record in the server system (see column 17, lines 64-67, Bauer).

Regarding Claims 36, and 43, Bauer discloses a method wherein the setup formation further includes information describing a format of the data records stored in the client computer system, further comprising the steps of:

(b) processing in the server system a changed data record transmitted from the client computer system, wherein the processing step (b) further includes:

(b1) retrieving a data record in the server system corresponding to the changed record (see column 17, lines 14-20, Bauer);

(b2) interpreting the changed record using the setup information (see column 9, lines 62-67, Bauer); and

(b3) updating the retrieved data record (see column 8, lines 30-35, Bauer);

(c) compiling a program by the server system to update the data records stored in the client computer system (see column 17, lines 21-24, Bauer); and

(d) transmitting the program to the client computer system for execution (see column 12, lines 10-12, Bauer).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12, 13 and 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer (US Patent No. 5,870,759) in view of Alam et al. (US Patent No. 6,324,544).

Regarding Claims 12, 13, and 25, Bauer discloses all the claimed limitation except for the client to be a mobile client. However, Alam teaches the method of synchronizing data between a mobile client and a database (see column 11, 12, lines 14-67, 1-63, respectively, Alam). It would

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have been obvious to one of ordinary skill in the art at the time of the invention to receives update and synchronize data from a handheld or mobile device/client with the motivation of providing access to all type of devices to store data in a database which has more space than the mobile devises which improve the speed of the mobile device and reduce the risk of loosing the data since it has been stored on a server.

(10) Response to Argument

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Appellant argues that the Bauer fails to disclose the "setup information within the client."

Examiner disagrees. According to the Appellant definition for setup information as disclosed in the instant application specification "The setup information provided by the client 10 tells the server 20 where to find in a data block the information the server 20 needs. For example, if the database is an address book, the data block would include a person's name, street address, ZIP-code, and contact number, as defined in a vcard specification. In one preferred embodiment, the setup information is provided in a header information".

Referring to the Col. 6, lines 6-15, each client has a unique identifier at the server to identify the specific client at the time of update or change. In order for the server to generate a unique identification number for each node (client) the node (client) must complete a contact information registering that node (client) at the server side, which corresponds to the claimed setup information and without that node (client) identification the server will not be able to identify which node (client) the server is communicate with at each time. The setup information

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is a well-known term in the database environment, for identifying a user and generating a unique ID for that user, the user is required to create a user profile which includes the user information identifying that user (e.g. client information as disclosed in col. 2, lines 1-4, Bauer). And by referring to Col. 8, lines 30-41, and specifically lines 36-38, the node (client) information is required and stored in a table at the server side to identify the node (client).

Appellant argues that the Bauer fails to disclose “that enable the server to identify the client [computer system], to identify where to find information the server needs for synchronization and to provide appropriate commands to the client”.

Examiner disagrees. Bauer discloses at Col. 2, lines 49-55, the database synchronizer determines a method of identifying where to find information the server needs for synchronization and to provide appropriate command to the client and server identify themselves to each other in order to communicate with each other. And by referring to Co. 8, lines 47-62, Bauer discloses identifying each column and row in a table with a unique key value which enable the server to identify where the information need to be synchronized can be located, since the synchronization is performed on a per-table basis where the replica may be a horizontal or a vertical subset of the source data and transaction groups can be defined which assure that synchronization of a group of tables is treated as an atomic unit of work, by identifying each column and row the server will be able to located the specific location of the information to be synchronized.

For the above reasons, it is believed that the rejections should be sustained.

An appeal conference was held on December 16, 2005 with conferees:

Sana Al-Hashemi (Primary Examiner), Pierre Vital (SPE), and Tim Vo (SPE)

Respectfully submitted,

SA

December 16, 2005

Conferees:

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